

Journal of the House

SIXTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 16, 2017, 10:00 a.m.

The House met pursuant to adjournment with Speaker Ryckman in the chair.

The roll was called with 122 members present.

Rep. Stogsdill was excused on verified illness.

Reps. Becker and Hawkins were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Loving Almighty God,
thank You, Lord, for continuing to watch over us,
provide for us, and care for us.
As this body of leaders continue to work together
to come to agreement,
help them to remember that You have a plan.
Give them direction to follow it;
patience to wait for it;
and knowledge to know when it comes.
Show them how You work;
school them in Your ways;
lead them down the path of truth;
and teach them to hope and trust in You.
You already know the outcome of the decisions to be made.
Help them to trust and call upon You for direction.
I also pray for continued healing
for Representative Stogsdill.
Boldly and with confidence I ask for a complete recovery.
This I pray in Christ's Name, Amen.

The Pledge of Allegiance was led by Rep. Awerkamp.

MESSAGES FROM THE GOVERNOR

HB 2085, HB 2153, HB 2301 approved on May 15, 2017.

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **H Sub for SB 126**, requests a conference and has appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **H Sub for SB 126**.

Speaker Ryckman thereupon appointed Reps. Alford, Gallagher and Ousley as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Patton, **HR 6033**, by Reps. Patton, Aurand, Ballard, Deere, Dietrich, Elliott, Eplee, Gartner, Hodge, Karleskint, Kelly, Lewis, Lusker, Murnan, Neighbor, Rahjes, Schroeder, Seiwert, Ward and Winn, as follows, was introduced and adopted:

HOUSE RESOLUTION No. HR 6033—

HR 6033—A RESOLUTION congratulating and commending the Kansas Association of School Boards on its 100th year.

A RESOLUTION congratulating and commending the Kansas Association of School Boards on its 100th year of serving education leaders and inspiring student success.

WHEREAS, The Kansas Association of School Boards is a non-profit organization that is dedicated to serving members of governing boards for school districts, community colleges, vocational-technical schools and cooperatives, and interlocal and regional service centers; and

WHEREAS, The Kansas Association of School Boards is governed by a board of directors comprised of school board members from across Kansas; and

WHEREAS, The Kansas Association of School Boards believes all students are able to learn, an educated citizenry is essential to having a free society, education is often the most important factor in economic and social well-being, public education is a fundamental right that prepares students for the future, and that local control of public schools is necessary to provide the best education to young people in Kansas; and

WHEREAS, The Kansas Association of School Boards strives to provide a culture of collaboration and service, is a voice for public education and seeks to improve education outcomes in Kansas; and

WHEREAS, The Kansas Association of School Boards assists local school boards, the cornerstone of our democracy, to accomplish their mission in a number of ways, including the formation of legislative policies and by providing legal assistance, leadership development and service, risk management programs, research and advocacy: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Kansas Association of School Boards on its 100th year of service and its ongoing support of public education in Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Patton.

There being no objection, the following remarks of Rep. Patton are spread upon the Journal:

On behalf of our many colleagues, like myself, who have served on school boards or as district administrators, it is my pleasure to congratulate the Kansas Association of School Boards on its 100th year of serving education leaders across our state.

For many of you, your interaction with KASB has been from its advocacy efforts. That being said, KASB's advocacy efforts is just a small portion of what KASB does for our school leaders. KASB assists districts with cooperative purchasing, research, utility management, legal services, negotiation assistance, property and casualty insurance, superintendent searches, workers' compensation, and, the one I personally benefit the most from, board member training.

Individuals run for their school board to make a difference for the students in their schools, yet in many of our communities, our school district is the largest employer and a significant player in our community's economy. While student achievement is the top priority for board members, there is a lot that goes into serving on a board of education. The training opportunities and other services provided by KASB enable these volunteer board members to successfully oversee and govern their school districts.

Joining us on the floor today are ten members of the KASB Board of Directors: Amy Martin, President; Don Shimkus, Past-President; Dayna Miller, President-Elect; Patrick Woods, President-Elect Designee; Shannon Kimball, Region 1 Vice-President; Curt Herrman, Region 4 Vice-President; Susan Walston, Region 6 Vice-President; Lori Blake, Region 5 Vice-President; Gina McGowan, Region 7 Vice-President; and Frank Henderson, a Past-President and current member of the National School Boards Association Board of Directors. In addition to these individuals, there are other board members and staff in the gallery.

Please join me in thanking these board members for their service to our students and in recognizing the Kansas Association of School Boards on its 100th year of service!

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2054**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2054** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 8, following line 32, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 48-3602 is hereby amended to read as follows: 48-3602. (a) The chief law enforcement executive for any law enforcement agency, ~~or~~ such executive's designee, the secretary of corrections or the secretary's designee may request assistance from a law enforcement agency or a department of corrections of another jurisdiction, including a jurisdiction located outside the state of Kansas, but within the United States.

(b) If a law enforcement officer makes an arrest or apprehension outside such officer's jurisdiction, the offender shall be delivered to the first available law enforcement officer who is commissioned in the jurisdiction in which the arrest was made. The officer making the initial arrest or apprehension shall assist in the preparation of any affidavits filed with the complaint or based on other evidence that there is probable cause to believe that both a crime has been committed and the defendant has committed such crime.

(c) For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency. Qualified immunity, sovereign immunity, official immunity and the public duty rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency. The Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto, and the Kansas workers compensation act, K.S.A. 44-501 et seq., and amendments thereto, shall be interpreted consistent with the provisions of this section.

(d) Nothing in this section shall be construed to limit the actions of law enforcement officers or agencies conducted pursuant to K.S.A. 19-828, and amendments thereto.

(e) The provisions of article 24 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, and K.S.A. 21-5220 et seq., and amendments thereto, are applicable to any law enforcement officers from jurisdictions located outside the state of Kansas, but within the United States who are acting pursuant to a request made under this section.

(f) For purposes of this section, the term "law enforcement officer" shall have the same meaning as that term is defined by K.S.A. 74-5602, and amendments thereto, or a law enforcement officer who has obtained a similar designation to one described in K.S.A. 74-5602, and amendments thereto, in a jurisdiction outside the state of Kansas, but within the United States.

Sec. 3. K.S.A. 2016 Supp. 74-5605 is hereby amended to read as follows: 74-5605.

(a) Every applicant for certification shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; a manager or employee of the horsethief reservoir benefit district pursuant to K.S.A. 2016 Supp. 82a-2212, and amendments thereto; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 72-8222, and amendments thereto.

(b) Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant's appointing authority or agency head shall furnish to the director of police training and to the commission a statement certifying that the applicant has been found to meet the minimum requirements of certification established by this subsection. The commission may rely upon the statement of the appointing authority or agency head as evidence that the applicant meets the minimum requirements for certification to issue a provisional certification.

Each applicant for certification shall meet the following minimum requirements:

- (1) Be a United States citizen;
- (2) have been fingerprinted and a search of local, state and national fingerprint files made to determine whether the applicant has a criminal record;
- (3) not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission;
- (4) have graduated from a high school accredited by the Kansas state board of education or the appropriate accrediting agency of another state jurisdiction or have obtained the equivalent of a high school education as defined by rules and regulations of the commission;
- (5) be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer;
- (6) have completed an assessment, including psychological testing approved by the commission, to determine that the applicant does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment;
- (7) be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment; and
- (8) be at least 21 years of age.

(c) The commission may deny a provisional or other certification upon a finding that the applicant has engaged in conduct for which a certificate may be revoked, suspended or otherwise disciplined as provided in K.S.A. 74-5616, and amendments thereto. When it appears that grounds for denial of a certification exist under this subsection, after a conditional offer of employment has been made to an applicant seeking appointment as a police officer or law enforcement officer, the applicant's appointing authority or agency head may request an order from the commission to determine whether a provisional certification will be issued to that applicant.

(d) As used in this section, "conviction" includes rendering of judgment by a military court martial pursuant to the uniform code of military justice, by a court of the United States or by a court of competent jurisdiction in any state, whether or not expunged; and any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission and any diversion agreement or deferred judgment entered into on or after July 1, 1995, for a felony.";

On page 11, following line 40, by inserting:

"Sec. 5. K.S.A. 75-3036 is hereby amended to read as follows: 75-3036. (a) The state general fund is exclusively defined as the fund into which shall be placed all public moneys and revenue coming into the state treasury not specifically authorized by the constitution or by statute to be placed in a separate fund, and not given or paid over to the state treasurer in trust for a particular purpose, which unallocated public moneys and revenue shall constitute the general fund of the state; ~~but~~ Moneys received or to be used under constitutional or statutory provisions or under the terms of a gift or payment

for a particular and specific purpose are to be kept as separate funds and shall not be placed in the general fund or ever become a part of it, ~~except by proper statutory enactment, and.~~

(b) The following funds shall be used for the purposes set forth in the statutes concerning such funds and for no other governmental purposes. It is the intent of the legislature that the following funds and the moneys deposited in such funds shall remain intact and inviolate for the purposes set forth in the statutes concerning such funds: Board of accountancy fee fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special litigation reserve fund of the board of accountancy; bank commissioner fee fund, K.S.A. 9-1703, 16a-2-302, 17-5610, 17-5701 and 75-1308, and amendments thereto, bank investigation fund, K.S.A. 9-1111b, and amendments thereto, consumer education settlement fund and litigation expense fund of the state bank commissioner; securities act fee fund and investor education and protection fund, K.S.A. 17-12a601, and amendments thereto, of the office of the securities commissioner of Kansas; credit union fee fund, K.S.A. 17-2236, and amendments thereto, of the state department of credit unions; court reporters fee fund, K.S.A. 20-1a02, and amendments thereto, and bar admission fee fund, K.S.A. 20-1a03, and amendments thereto, of the judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and amendments thereto, and boiler inspection fee fund, K.S.A. 44-926, and amendments thereto, of the state fire marshal; food service inspection reimbursement fund, K.S.A. 36-512, and amendments thereto, of the Kansas department of agriculture; wage claims assignment fee fund, K.S.A. 44-324, and amendments thereto, and workmen's compensation fee fund, K.S.A. 74-715, and amendments thereto, of the department of labor; veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of the state board of veterinary examiners; mined-land reclamation fund, K.S.A. 49-420, and amendments thereto, of the department of health and environment; conservation fee fund and well plugging assurance fund, K.S.A. 55-155, 55-176, 55-609, 55-711 and 55-901, and amendments thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155, and amendments thereto, and public service regulation fund, K.S.A. 66-1503, and amendments thereto, of the state corporation commission; land survey fee fund, K.S.A. 58-2011, and amendments thereto, of the state historical society; real estate recovery revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas real estate commission; appraiser fee fund, K.S.A. 58-4107, and amendments thereto, and appraisal management companies fee fund of the real estate appraisal board; amygdalin (laetrile) enforcement fee fund, K.S.A. 65-6b10, and amendments thereto; mortuary arts fee fund, K.S.A. 65-1718, and amendments thereto, of the state board of mortuary arts; board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-2704, and amendments thereto, of the Kansas state board of cosmetology; healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-5513, 65-6910, 65-7210 and 65-7309, and amendments thereto, and medical records maintenance trust fund, of the state board of healing arts; other state fees fund, K.S.A. 2016 Supp. 65-4024b, and amendments thereto, of the Kansas department for aging and disability services; board of nursing fee fund, K.S.A. 74-1108, and amendments thereto, of the board of nursing; dental board fee fund, K.S.A. 74-1405, and amendments thereto, and special litigation reserve fund, of the Kansas dental board; optometry fee fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation fund, of the board of examiners in optometry; state board of pharmacy fee

fund, K.S.A. 74-1609, and amendments thereto, and state board of pharmacy litigation fund, of the state board of pharmacy; abstracters' fee fund, K.S.A. 74-3903, and amendments thereto, of the abstracters' board of examiners; athletic fee fund, K.S.A. 2016 Supp. 74-50,188, and amendments thereto, of the department of commerce; hearing instrument board fee fund, K.S.A. 74-5805, and amendments thereto, and hearing instrument litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments; commission on disability concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the governor's department; technical professions fee fund, K.S.A. 74-7009, and amendments thereto, and special litigation reserve fund of the state board of technical professions; behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and amendments thereto, of the behavioral sciences regulatory board; governmental ethics commission fee fund, K.S.A. 25-4119e, and amendments thereto, of the governmental ethics commission; emergency medical services board operating fund, K.S.A. 75-1514, and amendments thereto, of the emergency medical services board; fire service training program fund, K.S.A. 75-1514, and amendments thereto, of the university of Kansas; uniform commercial code fee fund, K.S.A. 2016 Supp. 75-448, and amendments thereto, of the secretary of state; prairie spirit rails-to-trails fee fund of the Kansas department of wildlife, parks and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the Kansas water office; insurance department service regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance department; state fair special cash fund, K.S.A. 2-220, and amendments thereto, of the state fair board; scrap metal theft reduction fee fund, K.S.A. 2016 Supp. 50-6,109a, and amendments thereto; and any other fund in which fees are deposited for licensing, regulating or certifying a person, profession, commodity or product.

(c) If moneys received pursuant to statutory provisions for a specific purpose by a fee agency are proposed to be transferred to the state general fund or a special revenue fund to be expended for general government services and purposes in the governor's budget report submitted pursuant to K.S.A. 75-3721, and amendments thereto, or any introduced house or senate bill, the person or business entity who paid such moneys within the preceding 24-month period shall be notified by the fee agency within 30 days of such submission or introduction:

(1) By electronic means, if the fee agency has an electronic address on record for such person or business entity. If no such electronic address is available, the fee agency shall send written notice by first class mail; or

(2) any agency that receives fees from a tax, fee, charge or levy paid to the commissioner of insurance shall post the notification required by this subsection on such agency's website.

(d) Any such moneys which are wrongfully or by mistake placed in the general fund shall constitute a proper charge against such general fund. ~~Provided, That,~~ All legislative appropriations which do not designate a specific fund from which they are to be paid shall be considered to be proper charges against the general fund of the state. ~~Provided further, That,~~ All revenues received by the state of Kansas or any department, board, commission, or institution of the state of Kansas, and required to be paid into the state treasury shall be placed in and become a part of the state general fund, except as otherwise provided in this act by law.

(e) The provisions of this section shall not apply to the 10% credited to the state general fund to reimburse the state general fund for accounting, auditing, budgeting,

legal, payroll, personnel and purchasing services, and any and all other state governmental services, as provided in K.S.A. 75-3170a, and amendments thereto.

(f) Beginning on January 8, 2018, the director of the budget shall prepare a report listing the unencumbered balance of each fund in subsection (b) on June 30 of the previous fiscal year and January 1 of the current fiscal year. Such report shall be delivered to the secretary of the senate and the chief clerk of the house of representatives on or before the first day of the regular legislative session each year.

(g) As used in this section, "fee agency" shall include the state agencies specified in K.S.A. 75-3717(f), and amendments thereto, and any other state agency that collects fees for licensing, regulating or certifying a person, profession, commodity or product.";

Also on page 11, in line 41, before "K.S.A" by inserting "K.S.A. 75-3036 and"; also in line 41, before "and" by inserting ", 48-3602 , 74-5605";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "requests for law enforcement assistance from jurisdictions located outside the state of Kansas; the Kansas law enforcement training act; qualifications of applicants for certification,"; in line 4, after the semicolon by inserting "transfer of fees; notification of such transfer,"; also in line 4, after "amending" by inserting "K.S.A. 75-3036 and"; in line 5, after "44-714" by inserting ", 48-3602, 74-5605";

And your committee on conference recommends the adoption of this report.

RICHARD E. WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

On motion of Rep. Finch, the conference committee report on **HB 2054** was adopted.

On roll call, the vote was: Yeas 98; Nays 23; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Bishop, Blex, Brim, Campbell, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Garber, Gartner, Good, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Orr, Osterman, F. Patton, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Vickrey, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson.

Nays: Burroughs, Carlin, Carmichael, Curtis, DeGraaf, Finney, Frownfelter, Helgerson, Henderson, Houser, Huebert, Kuether, Ohaebosim, Ousley, Parker, Phelps, Pittman, Ruiz, Terrell, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Becker, Hawkins, Sloan, Stogsdill.

REPORTS OF STANDING COMMITTEES

The Committee on **K-12 Education Budget** recommends **HB 2410** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2410," as follows:

"Substitute for HOUSE BILL NO. 2410

By Committee on K-12 Education Budget

"AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the Kansas school equity and enhancement act; amending K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by section 92 of this act, 72-99a04, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482 and 75-2319, as amended by section 46 of Senate Substitute for Substitute for House Bill No. 46.";

and **Sub HB 2410** be reported without recommendation.

On motion of Rep. Hineman, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Schwab in the chair.

MESSAGES FROM THE SENATE

Announcing passage of **HB 2132**, as amended by **Senate Substitute for HB 2132**.

Announcing passage of **HB 2280**, as amended.

Also, announcing passage of **Sub HB 2277**, as amended.

On motion of Rep. Phillips, the House adjourned until 10:00 a.m., Wednesday, May 17, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerks*.

SUSAN W. KANNARR, *Chief Clerk*.

